

WRITTEN QUESTION P-3591/09
by David Hammerstein (Verts/ALE)
to the Commission

Subject: Problems with the El Regajal - Mar de Ontígola nature reserve

El Regajal – Mar de Ontígola nature reserve of flora and fauna is considered a jewel in the biological crown. It was declared a nature reserve and included in the Natura 2000 network by Directive 92/43/EEC¹. In the reserve the Administrator for Rail Infrastructure (ADIF) is building the infrastructure for the Madrid-Valencia high-speed train, which crosses the reserve. To obtain approval for the works an environmental impact assessment was carried out, which among other things insisted on a tunnel that would not affect the soil of the reserve and stipulated that no works should be carried out in the reserve other than those authorised by the final declaration, requiring in any event the stoppage of earth-moving work from March to mid-June.

As a result the tunnel has collapsed, and its repair has required the open-cast clearance of the whole area concerned, causing irreparable damage to the area and breaching the environmental impact declaration on many points.

Completing this clearance work without a further prior environmental study infringes Article 1(6) of the declaration, as a result of which the whole operation is unlawful as it does not comply with Directive 97/11/EC² on environmental impact assessments (EIA) or Directive 85/337/EEC³ on the assessment of the effects of certain public and private projects on the environment.

The Administrator for Rail Infrastructure (ADIF) has continued the work, causing serious damage to the area and failing to observe the above-mentioned biological stoppage that would allow local fauna to reproduce.

As this infrastructure project, 80 % co-financed by ERDF funds, is being carried out in breach of the EIA directive, causing serious environmental damage that affects a nature conservancy area protected by the European Natura 2000 network (a nature reserve, birdlife protection zone, site of Community interest and protected wetlands), in clear breach of the Birds and Habitats Directives, we ask the Commission:

What measures will the Commission be taking, in view of the possible infringement of Directive 97/11/EC, Directive 85/337/EEC, Directive 79/409/EEC⁴ and Directive 92/43/EEC?

Can the Commission state whether the directive on public service contracts, Directive 92/50/EEC⁵ is also being infringed?

¹ OJ L 206, 22.7.1992, p. 7.

² OJ L 73, 14.3.1997, p. 5.

³ OJ L 175, 5.7.1985, p. 40.

⁴ OJ L 103, 25.4.1979, p. 1.

⁵ OJ L 209, 24.7.1992, p. 1.